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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,768	12/27/2001	Marco Johannes Hubertus Peters	Q67918	9801

7590 01/06/2006
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER	
DANIEL JR, WILLIE J	
ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,768

Applicant(s)

Peters

Examiner

Rafael Perez-Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213:

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. 09/340,675.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 15, 2005 has been entered. **Claims 1-8 and 10** are still pending in the present application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by **Kawamoto (U.S. Patent # 6,108,554)**.

Consider **claim 1**, Kawamoto clearly shows and discloses a method to provide service to a user in telecommunications network (abstract and figures 1, 4, 7, 8, and 11), comprising:
requesting access by said user to said telecommunication network (abstract, figure 4,

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column 2 lines 17-24, column 3 lines 43-53, and column 4 lines 43-63); and

providing, by a notifying information service provider (i.e., base station 22 and portable telephone system network 23) (figures 1, 7, 8, and 11) to said user, a reply (notification) in which includes a capability to accept a service (e.g., taxi service or information services) of an offered information service provider (e.g., a taxi or information service company) different from a service (i.e., conventional radiotelephone service) of said notifying information service provider (i.e., base station 22 and portable telephone system network 23) (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, column 6 line 52 - column 7 line 8, and column 7 lines 28-50).

Consider **claim 2**, Kawamoto clearly shows and discloses an information service provider (i.e., base station 22 and portable telephone system network 23) (figures 1, 4, 7, 8, and 11) to provide a service to a user in a telecommunication network (abstract), comprising:

a notifier (i.e., base station 22 and portable telephone system network 23) to provide a reply (notification) to said user, said reply (notification) including a capability for said user to accept a service (e.g., taxi service or information services) of an offered second information service provider (e.g., a taxi or information service company) different from the service (i.e., conventional radiotelephone service) of said information service provider (i.e., base station 22 and portable telephone system network 23) (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, column 6 line 52 - column 7 line 8, and column 7 lines 28-50).

Consider **claim 3**, and as applied to claim 2 above, Kawamoto further discloses that said information service provider (i.e., base station 22 and portable telephone system network 23) is

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associated to an access subnetwork (i.e., portable telephone system network 23), whereby a virtual environment is identified with said information service provider and said access subnetwork (A virtual environment which enables access to services of offered second information service providers (e.g., taxi or information service companies)) (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, column 6 line 52 - column 7 line 8, and column 7 lines 28-50).

Consider **claim 4**, and **as applied to claim 3 above**, Kawamoto also shows and discloses that said information service provider (i.e., base station 22 and portable telephone system network 23) is also constituted by said offered information service provider (i.e., the network 23 couples the user to offered information service providers thereby providing additional services to the user) (abstract and figures 1, 4, 7, 8, and 11).

Consider **claim 5**, and **as applied to claim 3 above**, Kawamoto further shows and discloses that said offered information service provider (e.g., taxi or information service company) is constituted by a home information service provider (portable telephone system network 23) of said user (e.g., a taxi or information service company offering services to the subscriber through the subscriber's network 23) (abstract, figures 1, 4, 7, 8, and 11, and column 6 line 52 - column 7 line 50).

Consider **claim 6**, and **as applied to claim 3 above**, Kawamoto also shows and discloses the said information service provider (i.e., base station 22 and portable telephone system network 23) is also constituted by a home information service provider of said user whereby said virtual environment is constituted by a virtual home environment of said user (A virtual environment

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which enables access to services of offered second service providers (e.g., taxi or information service companies)) (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, column 6 line 52 - column 7 line 8, and column 7 lines 28-50).

Consider **claim 7**, and **as applied to claim 2 above**, Kawamoto further shows and discloses that when said information service provider (i.e., base station 22 and portable telephone system network 23) is not associated to an access subnetwork 24 (i.e., wherein an enterpriser owns server 24), said information service provider (i.e., base station 22 and portable telephone system network 23) is also constituted by a home information service provider of said user (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, column 6 line 52 - column 7 line 8, and column 7 lines 28-50).

Consider **claim 8**, and **as applied to claim 7 above**, Kawamoto also shows and discloses that said offered information service provider (e.g., taxi or information service company) is associated to said access subnetwork 24, whereby a virtual environment is identified with said access subnetwork 24 and said offered information service provider (e.g., taxi or information service company) (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, and column 6 line 52 - column 7 line 50).

Consider **claim 10**, Kawamoto clearly show and discloses a telecommunication network (figure 1, 7, 8, and 11) comprising:

at least one information service provider (i.e., base station 22 and portable telephone system network 23) (figures 1, 4, 7, 8, and 11) to provide a service (i.e., radiotelephone service) to a user in said telecommunication network (column 2 lines 17-24, column 3 lines 43-53); and

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said information service provider includes a notifier (i.e., base station 22 and portable telephone system network 23) to provide a reply (notification) to said user, said reply (notification) including a capability for said user to accept a service (e.g., taxi service or information services) of an offered information service provider (e.g., taxi or information service company) different from the service (i.e., radiotelephone service) of said information service provider (i.e., base station 22 and portable telephone system network 23) (abstract, figures 1, 4, 7, 8, and 11, column 5 lines 27-64, column 6 lines 13-28, column 6 line 52 - column 7 line 8, and column 7 lines 28-50).

Response to Arguments

3. Applicant's arguments with respect to **claims 1-8 and 10** have been considered but are moot in view of the new ground(s) of rejection necessitated by the new limitations added to claims 1-8 and 10. See the above rejection of claims 1-8 and 10 for the relevant citations found in Kawamoto disclosing the newly added limitations.

Conclusion

4. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (571) 272-7915. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

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A handwritten signature in black ink, appearing to read 'Rafael Perez-Gutierrez', written in a cursive style.

Rafael Perez-Gutierrez

R.P.G./rpg

RAFAEL PEREZ-GUTIERREZ
PRIMARY EXAMINER

November 28, 2005